

MODIFICATION TO AGREEMENT  
DIXIE FOREST PLAN APPEAL #1789

Background

In July/August 1987, the Utah Wilderness Association and The Wilderness Society (hereinafter referred to as appellants) entered into an agreement with the Dixie National Forest resolving the appeal of the Dixie Forest Plan. On July 21, 1987, Dixie Forest Supervisor, Hugh Thomson, signed the Dixie National Forest Travel Map. On January 11, 1988, the Forest Service provided a copy of the Travel Map to appellant UWA. On January 16, 1988, UWA informed the Forest Service that the Travel Map was in violation of the agreement reached in the Dixie Forest Plan appeal. The violations consisted of a number of routes being opened to vehicle use which were closed as part of the agreement. Also, the boundaries of agreed upon "Unroaded Areas" had been modified in a number of areas. Subsequent to receiving the UWA letter, the Forest Service asked to meet with appellants to discuss the possibility of amending the agreement to allow for vehicle use on additional routes and to modify boundaries of the unroaded areas.

On February 24, 1988, appellants and the Forest Service met to discuss the proposed modifications. The Forest Service presented appellants with a list of ten (10) amendments it wanted to make to the agreement. Appellants did not accept the proposal. A second meeting was held on March 16, 1988. Appellants agreed to accept some modifications to the original agreement.

Agreement

In order to modify the agreement reached on the appeal, the Forest Supervisor and appellants agree to the following:

- A. 1. Additional routes to be shown as available for vehicle use as identified on the amended appeal agreement map:
  - a. #1--spur leading from guard station to dispersed camping area along Cottonwood Creek
  - b. #2--spur to livestock trough off Cherry Creek Spring
  - c. #3--spur to Carter Creek Trailhead
  - d. #4--two mile long route paralleling Hoodie Creek
  - e. #5--three mile long route approx. 1.5 mi. north of and paralleling route #4
  - f. #6--spur leading to Pole Canyon
2. Boundary modifications to Unroaded Areas (shown on amended appeal agreement map):
  - g. #7--approximately 640 acres northwest of Hancock Flat
  - h. #8--approximately 150 acres west of Mt. Dutton
  - i. #9--approximately 400 acres on northern end of Table Mountain

B. Other Provisions:

1. Appellants and the Forest Service concur that this modification to the original agreement binds them only as provided herein. This modification to the original agreement does not affect the original agreement except as noted in Section A above.
2. This agreement may be modified only by mutual consent of all parties to the appeal.
3. Nothing in this modified agreement or in the original agreement precludes the Forest Service from closing or restricting vehicle use on any routes or in areas shown as open on the map.

APPELLANTS

Utah Wilderness Association

By Dick Lantz

Date 6-17-88

U.S.D.A. Forest Service

Dixie National Forest

By \_\_\_\_\_

Date \_\_\_\_\_

The Wilderness Society

By Duke Medberry

Date 12/1/88



United States  
Department of  
Agriculture

Forest  
Service

Dixie  
National Forest

82 North 100 East  
P.O. Box 580  
Cedar City, UT 84720

Reply To: 1570/1920

Date: June 7, 1988

Mr. Dick Carter  
Utah Wilderness Association  
455 East 400 South, #306  
Salt Lake City, UT 84111

Dear Mr. Carter:

This letter is to explain why and how the discrepancies in the Settlement Agreement of your appeal of the Dixie Forest Plan and the Dixie Travel Map occurred. Our intention in settling your appeal was to bring into the Forest Plan appropriate areas of the travel restrictions which we had already implemented on the ground. By the nature of scheduling, these travel restrictions were implemented after the Forest Plan was published.

Ideally, these changes should have been incorporated into the Plan in the first place. As it happened, you appealed the Forest Plan on October 17, 1986. The travel restrictions in the Mt. Dutton area of the Dixie N.F. were first implemented in the fall of 1986. The Travel Map received its annual update and was reissued on July 21, 1987. As OHV use and resource needs are never static, this fine tuning of the Travel Map is an annual project.

On September 22, 1987, the final signature on the Settlement Agreement was obtained. On January 16, 1988, you informed us that the Settlement Map and the 1987 Travel Map did not agree and that we had violated the Settlement Agreement. We take full responsibility for the discrepancies. It was simply a matter of incomplete staff work in a very complex situation. In reality, between us, we discovered 12 discrepancies that needed correcting. What we have accomplished in mutually agreeing to modify the Settlement Agreement brings us very close to achieving on paper what is being implemented on the ground.

Enclosed is a copy of the map and proposed Modified Agreement. Following your review, please sign the agreement and send it to the Wilderness Society for their signature. We will send you a copy of the agreement, with all signatures, upon completion. (Keep the map for your records.) Following the receipt of the signed agreement, we will proceed with the preparation of the amendment to the Forest Plan as agreed in item A.2. of the original Settlement Agreement.



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**APPELLANTS**

Utah Wilderness Association

By \_\_\_\_\_

Date \_\_\_\_\_

The Wilderness Society

By \_\_\_\_\_

Date \_\_\_\_\_

U.S.D.A. Forest Service

Dixie National Forest

By \_\_\_\_\_

Date \_\_\_\_\_



United States  
Department of  
Agriculture

Forest  
Service

Dixie  
National Forest

82 North 100 East  
P.O. Box 580  
Cedar City, UT 84720

Reply To: 1570/1920

Date: June 7, 1988

Mr. Mike Medberry  
Utah Representative  
The Wilderness Society  
436 East Alameda Ave.  
Salt Lake City, UT 84111

Dear Mr. Medberry:

This letter is to explain why and how the discrepancies in the Settlement Agreement of your appeal of the Dixie Forest Plan and the Dixie Travel Map occurred. Our intention in settling your appeal was to bring into the Forest Plan appropriate areas of the travel restrictions which we had already implemented on the ground. By the nature of scheduling, these travel restrictions were implemented after the Forest Plan was published.

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Enclosed is a copy of the final map. We have sent a copy of this map and the proposed Modified Agreement to the Utah Wilderness Association for their review and signature, with instructions to send the agreement to you. Please keep your copy of the map and, upon receipt of the agreement, review, sign and return it to us for final signature. We will then distribute a copy of the agreement, with all signatures, upon completion. Following the receipt of this signed agreement, we will proceed with the preparation of the amendment to the Forest Plan as agreed in item A.2. of the original Settlement Agreement.

DIXIE NATIONAL FOREST  
Land and Resource Management Plan

Amendment Number #1

The appeal settlement agreement, dated July 8, 1987, and modified on December 12, 1988 amended the Forest Plan as follows:

1. Aspen Harvest. Table IV-1 "Projected Average Annual Outputs for the Forest Plan," line 23 "Hardwood Sawtimber," (page IV 16), changed as follows:

TABLE IV-1  
PROJECTED AVERAGE ANNUAL OUTPUTS FOR THE FOREST PLAN

OUTPUTS/ACTIVITIES	1990	2000	2010	2020	2300
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REPLACE:

Hardwood Sawtimber (MMBF)	2.8	9.4	10.3	7.8	3.7
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WITH:

Hardwood Sawtimber (MMBF)	2.8	5.7	8.6	9.8	7.8
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2. Unroaded Area Management. The Forest Travel Map drafted to restrict motorized vehicles to existing roads as discussed in the Categorical Exclusion dated January 5, 1988, and as refined by the Modification to Agreement and accompanying map dated May 18, 1988. No timber harvest in the designated travel restriction areas during the first decade.

-End-

CATEGORICAL EXCLUSION  
OFF HIGHWAY VEHICLE TRAVEL PLAN  
USDA FOREST SERVICE  
DIXIE NATIONAL FOREST

The Dixie National Forest is proposing new regulations pertaining to all motorized vehicle use on the National Forest. The new travel plan includes the Pine Valley, Cedar City, Powell, Escalante and Teasdale Districts and includes all lands open, restricted and closed to motorized vehicles.

The proposed travel plan meets the requirements stated in the Dixie National Forest Land and Resource Management Plan. An analysis has been completed by the Interdisciplinary Team and the District Rangers as well as an action plan for implementation completed by a committee formed to study the new regulations and the effects of impact on the National Forest. The OHV travel plan includes all areas added to the Forest Plan as non roaded and areas where snow machines are restricted because of big game winter range. It is the consensus that this proposal would be of limited magnitude and would involve minimal impacts on the natural resources.

This proposed project is an action which, based on previous experience, has been found to have limited context and intensity (40 CFR 1508.27). Interested and affected persons were informed in an appropriate manner (40 CFR 1506.6 and FSM 1950.3) of the decision to proceed with an action. A list of interested persons and their comments of this action is included.

As provided for in Forest Service Manual, Chapter 1950 - National Environmental Policy Act Implementation Procedures (7/82, Amendment 15), I have determined the proposed action will not result in a significant change in the Forest Plan and will be of limited size and magnitude. Based on this, it constitutes a categorical exclusion for the need to provide a formal environmental document.

This decision is subject to administrative review pursuant to 36 CFR 211.18.

Project implementation may take place after approval of this notice.

Responsible official is Hugh C. Thompson, Forest Supervisor, Dixie National Forest, P.O. Box 580, Cedar City, UT 84720.

  
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HUGH C. THOMPSON  
Forest Supervisor

Jan. 5, 1988  
Date